

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

05 Civ. 9416 (JGK)  
01 Cr. 0571 (JGK)

MEMORANDUM OPINION  
AND ORDER

FRITZ G. BLUMENBERG,

Defendant.

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JOHN G. KOELTL, District Judge:

The Court has received the attached submission from the defendant, dated August 5, 2014. The defendant pleaded guilty to various charges in April 2002 and was sentenced principally to thirty months of imprisonment to run concurrently on all counts. Judgment was entered in May 2003, and the defendant's sentence was affirmed on appeal in May 2004. See United States v. Blumenberg, 96. F. App'x 776 (2d Cir. 2004) (summary order). Thereafter, the defendant filed various collateral challenges to his conviction, which have been found to be without merit. See, e.g., Blumenberg v. United States, Nos. 05cv9416 & 01cr571, 2009 WL3459185 (S.D.N.Y. Oct. 27, 2009); Blumenberg v. United States, Nos. 05cv9416 & 01cr571, 2008 WL 1944012 (S.D.N.Y. Apr. 30, 2008).

In his current submission, the defendant asks for disclosure of various documents. The defendant does not have any applications pending to which such documents would be

relevant, and the defendant has failed to show good cause for production of the documents in any event. See Garafola v. United States, 909 F. Supp. 2d 313, 335 (S.D.N.Y. 2012). The request is therefore **denied**.

The defendant also seeks an order preventing the Internal Revenue Service from engaging in collection efforts. The defendant has failed to present any plausible basis for that request and the request is therefore also **denied**.

Finally, the defendant asks that the Court recuse itself. The defendant has presented no basis for that request and it is therefore **denied**.

All of the defendant's applications are **denied**.

**SO ORDERED.**

**Dated: New York, New York  
August 6, 2014**

\_\_\_\_\_/s/\_\_\_\_\_  
**John G. Koeltl**  
**United States District Judge**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

For online publication

UNITED STATES OF AMERICA

01 Cr. 0571 (JGK)

- Against -

[EX-PRISONER PRO SE]APPLICATION  
FOR DUE ORDERS TO LASTLY DIVULGE  
COURT-KEPT DARK SECRETS OF A CONTRIVED  
CRIM CASE LADEN WITH MAMMOTH JOINT  
GOVERNMENT FRAUD AND OFFICIAL ULTRA  
VIRES ACTS OF MALADMINISTRATION OF  
JUSTICE AND FOR AN IRS-DESIST-ORDER,  
IN LIEU RECUSAL AND REASSIGN OF CASE

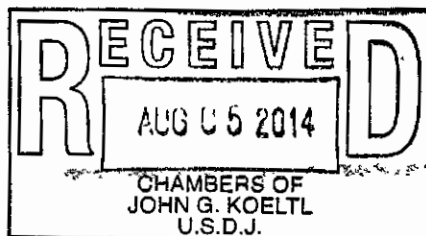
FRITZ G BLUMENBERG

(NOT A CIV-CASE "ERROR" SUBMISSION)

Here comes Fritz G. Blumenberg, ex-prisoner since 2006, Applicant pro se, moving for ORDERS to DIVULGE for immediate release certain hidden DOCUMENTS to demonstrate jurisdictional IRREGULARITIES, to wit: June 2001 Grand Jury Records & Juror Foreperson's AO 190 Court-Certificate for good CAUSES listed below in the INTEREST OF FAIRNESS IN JUSTICE and, second, for an ORDER directing Plaintiff's agency IRS to SEIZE Collection efforts from Applicant, and, third, to ORDER THE PRODUCTION OF WHAT THE GOVERNMENT CLAIMED AS "ARREST WARRANT" evidently "drafted" June 14, 2001, or alternatively, in lieu of grants of the foregoing, RECUSAL from this case for REASSIGNMENT to an uninterested Art.III judicial officer of this District, or of another District Court in further avoidance of conflicted process.

Pro Se Statement

under authority of the supremacy and equal protection clauses of the United States Constitution and the common law authorities of Haines v Kerner, 404 U.S. 519, Platsky



v. C.I.A. 953 F.2d. 25. In re Haines: pro se litigants (Applicant is pro se) are held to less stringent pleading standards than BAR registrars. Regardless of the deficiencies in their pleadings, pro se Applicants are entitled to the opportunity to submit evidence in support of their claims. In re Platsky: court errs if court dismisses the pro se litigant without instruction of how pleadings are deficient and how to repair pleadings.

### Preliminary on LAW

US V. COTTON (01-687) 535 U.S. 625 (2002): "Because subject-matter jurisdiction involves a court's power to hear a case, it can never be forfeited or waived. Thus, defects require correction regardless of whether the error was raised in district court". And, "Where jurisdiction is challenged it must be proved." (Hagan vs. Lavine, 415 U.S. 528 (1974)); see also: "Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause." (Exparte McCordle, 7 Wall.506,514 (1869))

### All evidence of facts below are clear, convincing, undeniable and grievous

A breach of constitutional duties through abusive judicial maneuvering which was crafted to and caused an end run around DUE PROCESS, the RULES OF LAW and Congressional mandates against prejudicial complots by the two lower branches, whereby CORRUPTNESS OF THE INAUGURAL INDICTMENT IMBROGLIO'S FALSE CLAIM OF A BOGUS "FILED DATE" FIVE DAYS EARLIER THAN REAL AND TRUE (on 19 June 2001) and by means of such false "DATE" claim, SOUGHT TO RE-ANIMATE DEAD, TIME-BARRED OVERT ACTS FOR A BOGUS "JUST-IN-



TIMELINESS", PREJUDICED the defendants, VOIDED AND RENDERED S1 & S2 equally invalid since both superseders relate back to S.

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CRIMINAL DOCKET FOR CASE #: 1:01-cr-00571-JGK-1**

Case title: USA v. Blumenberg, et al. >>> Date Filed: 06/19/2001 <<<  
Date Terminated: 05/22/2003

Assigned to: Judge John G. Koeltz

**No "SEALED" PRIORS !**

Defendant (1)  
**Fritz G. Blumenberg**  
TERMINATED: 05/31/2003

represented by **Philip L. Weinstein**  
The Legal Aid Society, Federal

Mary Jo White, United States Attorney  
Criminal Division  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2488  
**LEAD ATTORNEY**

**Invalid backdate**

Date Filed	#	Docket Text
06/14/2001	1	SEALED INDICTMENT as to Sealed Defendant 1 (1) count(s) 1, 2, 3, Sealed Defendant 2 (2) count(s) 1, 2, 3, Sealed Defendant 3 (3) count(s) 1, 2, 3 (jm) (Entered: 06/20/2001)
06/19/2001	2	ORDER as to Sealed Defendant 1, Sealed Defendant 2, Sealed Defendant 3, Unsealing Indictment ( Signed by Magistrate Judge Henry B. Pitman ), Copies mailed. (jm) (Entered: 06/20/2001)
06/19/2001		Indictment unsealed as to Sealed Defendant 1, Sealed Defendant 2, Sealed Defendant 3 (jm) (Entered: 06/20/2001)
06/19/2001		CASE Assigned to Judge John G. Koeltz (jm) (Entered: 06/20/2001)
06/19/2001		PLEA entered by Fritz G. Blumenberg, John C. Lee - Court accepts plea Not Guilty: Fritz G. Blumenberg (1) count(s) 1, 2, 3, John C. Lee (2) count(s) 1, 2, 3 (b) (Entered: 06/21/2001)

False !

False !

Part I

A. If, hypothetically, the Grand Jury would have, arguendo, concurred on June 14, 2001 to issue a TRUE BILL for Conspiracy and Fraud against Applicant and others, the Grand Jury would have delivered such bill duly signed by the Foreperson accompanied by U.S. Court's Jury-Concurrence-Form AO 190, for the USANYS's FILING of a "True Bill" and for the FBI for process<sup>1</sup> and execute upon.

The Grand Jury did not concur on June 14, 2001<sup>2</sup>. No such proof has been presented by the government, and this COURT shielded Grand Juror records from inspections, that were duly demanded

B. If, hypothetically, Grand Jury concurrence had take place, arguendo, a duly signed TRUE BILL could have been duly FILED and would have duly been RECORDED on June 14, 2001, U.S.-Flag Day, in the Open Courtroom of Hon. Dolinger.

A Magistrate "FILED" record, or reporter transcript DOES NOT exist.

C. If, hypothetically, a sufficient number of Grand Jurors had concurred, arguendo, foreperson B. Rehm could have issued Form AO190 to complete and validate a potential filing on June 14, 2001.

No such AO 190 was COMPLETED, NOR FILED on record June 14, 2001

<sup>1</sup> The FBI had no true "bill or arrest/W" - see Appendix pages 1-5 of the FBI's own internal messaging that did not include a "real McCoy", but an unsigned, unconcurred draft indictment (page 5) and three false arrest warrant drafts containing phony clerk signature stamps, of which Mr. Viertel's false arrest warrant survived the DOJ cleansing of the files. This Court has relevant evidence of the "fake draft" on hand, as submitted by Mr. Viertel, specimen intra.

<sup>2</sup> Court and Prosecutorial allegations to the contrary, are unproven thus blatantly false

D. If, hypothetically, the FBI would have stood by their "motto claim" of **INTEGRITY**, the FBI broadcast message (Appendices 1-5) to three resident agencies could not have been sent, because of the FALSE CLAIMS CONTENT and false labels for three presumptively innocent persons as "**FUGITIVES**", in itself an unlawful branding causing grave prejudice during a time Grand Jurors were still in session without results. [the government later produced Marshal Service's "Marshal Intake Form" of 6/19/2001 which must be deemed deceptive, defective and incomplete, while in Direct CONFLICT with the FBI's district crossing apprehensions of Applicant and John Lee in Connecticut.

**The FBI did not demonstrate INTEGRITY but FRAUD**

E. If, hypothetically, a Court believes it could obtain jurisdiction for a "charged Conspiracy" pursuant to three expired overt acts by a simple District Court Clerk's backwards dating ["FILED June 14, 2001] rubberstamp manipulation<sup>3</sup> and by a preconceived, albeit mislabeled, mendacious Magistrate ORDER<sup>4</sup> to retro-transport ternary (3) time-barred §371 "overt acts" to "squeeze" these dead acts inside the expired statutory term of 5 years, such Court was dead wrong in this mistaken belief. Fortunately, "a quasi-official 2014 discovery, *sui-sponte*, by patriotic, conscientious American Clerks was red-flagged anonymously to the defendants. These laudable persons despised the

<sup>3</sup> Executed in "INK" by Court Clerk Jim Molinelli - initial "J"

<sup>4</sup> Magistrate H. Pitman headlined/entitled his false ORDER, see DOC#2, erroneously and rather surprisingly as "INDICTMENT", as if, arguendo, prosecutors designed the "ORDER".

amoralities inside this Court house. Thus, it is an rare but open book now, how a famous District Court abused its powers, ink and rubberstamps in a continuing enterprise without constitutional authority to get caught for this willful, sophisticated but unlawful conduct [transcript snapshot below demonstrates the omnipresence of bad faith by a learned judge]:

21           \*a. On or about June 17, 1996, Christian T. Viertel,  
22 the defendant, caused Agate Reality Corporation to deliver to  
23 Fritz G. Blumenberg, the defendant, an invoice seeking payment  
24 of \$8,120.  
25           \*b. On or about June 18, 1996, Fritz G. Blumenberg,

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2450BLUP

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1 the defendant, submitted to Burda Media, the invoice described  
2 in 8(a), that is, the \$8,120 invoice.  
3           \*c. On or about June 18, 1996, Fritz G. Blumenberg,  
4 the defendant, submitted to Burda Media two Best Messenger  
5 invoices seeking payment of \$4,262.10 and \$3,378.48."

F. Here, a Court implicates itself over such willful usurpation of jurisdiction, inter alia, beyond reach under 18 USC §371, to act as manufacturer of undue process and producer of a corrupt plea resulting in a "bogus conviction" that lacked factual basis the Court knew to not



exist. During such "travesty"<sup>5</sup> (above), a "plea" was unintelligently and involuntarily coerced over withheld exculpatory information. In 2010 Applicant unilaterally withdrew his bogus plea for other good causes.

G. If, hypothetically, **Magistrate Pitman** had less than bad faith on his mind, the Magistrate would have reviewed the Court RECORDS, FILING and DOCKETS, called upon Hon. Dolinger, and demanded proof from the government that would have included the "Application to SEAL, to FILE" and the disposition thereof by Hon. Dolinger.

**Magistrate Pitman failed his solemn duty.**


- 1) Moreover, Mag. Pitman should have assured the FILED **Criminal Case Information Sheet** (sampler A below), lack thereof, should have stopped the Magistrate from issuing his falsification FILED as DOC#2:

9.	Has this indictment/information been ordered sealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
10.	Have arrest warrants been ordered?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
11.	Is there a capital count included in the indictment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Crim Case Information sheet  
Sampler A

LOREIA E. LYNCH  
UNITED STATES ATTORNEY

By:

  
Winston M. Pace  
Assistant U.S. Attorney  
710 424 6000

- 11) Moreover, Absence of an **APPLICATION FOR LEAVE TO FILE DOCUMENT UNDER SEAL** (sample B below) should have short stopped the Magistrate from issuing a counterfeit

<sup>5</sup> Dkt 01-571: Filed Date 07/18/2003 #92 TRANSCRIPT of record of [guilty plea] proceedings as to Fritz G. Blumenberg for dates of 4/5/2002, before Judge John G. Koeltl . (ph) (Entered: 8/21/2003)

ORDER, despite a Magistrate's potential BLIND SPOT for prosecutorial misconduct inside his Courtroom.

Case 1:14-cr-00399-ENV Document 142 Filed 07/15/14 Page 1 of 1 CaseID #: 29

U.S. Clerk's Office  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

APPLICATION FOR LEAVE  
TO FILE DOCUMENT UNDER SEAL

UNITED STATES OF AMERICA

AREA #15 J. DISTRICT, E.D.N.Y.

Submitted by Plaintiff Defendant DOJ ☒ ☐  
Name: JAMES A. HAY, JR.  
Firm Name: USDO - SDNY  
Address:   
Phone Number:   
E-Mail Address:   
Indicate on the public docket sheet: YES NO ☒  
If yes, state description of document to be referred to docket sheet:   
RECEIVED IN CLERK'S OFFICE DATE   
MANDATORY CERTIFICATION OF SERVICE  
A) A copy of this application notice has been or will be promptly served upon all parties to this matter. ( ) Service is exempt by 21 U.S.C. 8752(a), or by the following other statute or regulation: ( ) or C) ☒ This is a criminal document submitted, and public safety, or security are significant reasons. (Check one)  
9/15/14  
DATE  
Signature  
SIGNATURE

CRIM-Case  
Application  
for leave to file  
under SEAL  
Sampler B

ROSS, J.  
SCANLON, M.J.

In fact, Magistrate Pitman's 6 19-2001 "INDICTMENT" [sic ?] labeled "ORDER" is impervious to truthfulness, see DOC#2, and in contradiction to this COURT's own internal and public records while the Magistrate participated and "knew to a certainty that fraud was occurring". Those records serve as prima facie PROOF and JUDICIAL NOTICE to demonstrate that an impartial & independent judiciary was not on the job here, and consequently endangered public safety, while trampling upon constitutional rights and liberty not only of this Applicant. "FORGERY" was indelibly stamped upon the never sealed nor unsealed "INDICTMENT" on June 19, 2001, giving bad faith another obeisance.

H. Furthermore, and squarely probative of the fabricated backdating fraud, one USANYS prosecutor arrived at the U.S. Courthouse in the morning of June 19, 2001 and physically FILED the first and only SIGNED<sup>6</sup> INDICTMENT, to be considered the "inaugural CASE FILING, consistent with the DOCKET's CASE OPENING "FILED DATE" of June 19, 2001 (supra, clip from Docket). The filer utilized an official coversheet, Court Form USA 33s 274 (Ed.9-25-58), captioned: US vs. BLUMENBERG, LEE, VIERTTEL --- INDICTMENT 01 Cr. [blank] MARY JO WHITE [blank], Foreperson [blank] and these pivotal words:

"6/19/01 Filed Indictment. Case assigned to Judge Koeltl  
For all purposes [sic]. Signature /S/".

(Signature redacted, spelling error in Original, see below)

A form which the USAO's filer duly annotated by handwritten comment on the bottom of the official cover: specimen photo taken from Court files:

6/19/01 Filed Indictment. Case assigned to Judge Koeltl.  
For all purposes [sic]. Signature /S/

This annotation puts the - dubitable - allegations of prior Court actions, antecedent to June 19, 2001, to a full rest, and serves as proof, that the first assigned Judge was JUDGE KOELTL who, right out of the gates, lacked key

<sup>6</sup> Signed by Foreperson Bernhard Rehm and by U S Attorney Mary-Jo White

subject matter JURISDICTION over §371 for statutory limitation reasons [18USCS3282] that had been falsely anchored upon three time-barred overt acts outside the 5 year limit.

20 THE COURT: One of the overt acts that is alleged in  
 Conspiracy then barred  
 21 the indictment is that, on or about June 17, 1996, Christian  
 22 Viertel caused Agate Reality Corporation to deliver to you an  
 23 invoice seeking payment of \$8,120 and then, (B) on or about  
 24 June 18 you submitted to Burda Media that invoice.  
 25 Did you do that? (reply Blumensberg: Can't recall anything.)

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2450BLUP Fritz Blumensberg faux guilty plea 4/6/2002 (revoked)

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Elsewhere the Court stated [below], albeit to deceive Applicant, during the same guilty-plea phase on record:

There is a limit to how much time the Government has to obtain an indictment. For you to determine the defendant guilty of conspiracy, the Government must prove beyond a reasonable doubt that at least one overt act in furtherance of the conspiracy was committed after June 14, 1996.

I. If, hypothetically, FBI, Harris and Weddle would have been able to obtain a FILED ORDER on 6-14-2001, a SEAL ORDER or

a JUDICIAL SIGNATURE on the A/Warrant "draft"<sup>7</sup> from designated "on-duty" Judge Hon.Dolinger [who apparently denied Court action for lack of good cause and good paperwork], these three "goodfellas" [AUSA Harris/Weddle supervised by AUSA George Canellos] might not have drafted a fraudulent ARREST WARRANT - a decoy -see FN7 - on 6/14/2001 and might not have purloined a NYSD-property COURT CLERK-Signature STAMP for fraudulent use, but the USAO TEAM did the bad act and crossed the bridge, and applied an intrinsically and extrinsically worthless ink-gadget by a fake clerk nick-named "Melanie L Lopez". "She" is not a "She", "She" does not exist but was a non deputized ghost at 500 Pearl Street, unfit to authorize or certify any document and certainly not an "Arrest Warrant". (Design, production and usage of "ghost"<sup>8</sup> Court signature stamps are "felonies", Senate's Jud. Committee has unsurprisingly held in similar scenarios)

7

NO. 485 P.1312r	
WARRANT FOR ARREST AVE MARK HARRIS 637-248	
United States District Court	SOUTHERN DISTRICT OF NEW YORK
DATE FILED BY COURT	OTHER CONDITIONS OF RELEASE
ORDERED BY	SIGNATURE (JUDGE/MAGISTRATE)
HON. MICHAEL E. DOLINGER	DATE JUNE 14, 2001
CLERK OF THE COURT	(NY) DEPUTY CLERK
JAMES M. HARRISON	<i>Melanie L. Lopez</i>
	DATE ISSUED JUNE 15, 2001

<sup>8</sup> Applicant was assured by Court staffers, that "Melanie L. Lopez" is not a lone dehumanized alien ghost, unbeknownst to the Court's Human Resources department or Court Security



J. It is all of Congress and, by extension, the American Public paying for a COURT SYSTEM that harbors actors who do not seem to understand the most fundamental concept of separation of powers, due process or morality.

The EVIDENCE is in that these serious charges are true, and therefore the law&order line "heads should roll, and people should go to jail" seems appropriate here.

Whoever claims ignorance, avoidance or unawareness of the lawless culture that festered within the Court - unlikely to have been an exceptional event in this F Cubed case - allowed torture to the RULE OF LAW and then to lie about it on end, shall no longer remain blinded.

The recklessness extended to the point of causing limitless pain and sufferance to many people and families, particularly Applicant's own American family and that is why this very core, and basic culture, needs a thorough overhaul. It bears mentioning that by virtue of this perfidious colorization and fraud these government actors managed to burden their society and the alien defendants with undue opprobrium.

Judicial obstruction to REVEAL must end now as further concealment of Grand Juror's June 2001 records and AO 190 would be without a reasonable basis, or for the unworthy protection of consequences, and is therefore duly demanded.

However, in the event that this Court does not make a clear dispositive finding<sup>9</sup> that this impervious, impressive list of clear and convincing facts must cause instant **VACATUR** - *nunc pro tunc* - of [all 3] Indictments and corresponding Convictions for PREJUDICE, UNFAIRNESS, OFFICIAL FRAUD and TORT [CLAIMS that may be brought at any time over LACK of JURISDICTION to convict (\$371,\$1341,\$1343 et al)], then an APPLICATION IS HEREBY MADE FOR IMMEDIATE RECUSAL under 28 USC §455 over "more than the appearance of partiality", at best, and over cognitive bias having caused volitional ultra vires judicial acts against Applicant and co-defendants.

## Part II

Pursuant to reasoned jurists knowledgeable and familiar with government misconduct at Grand Jury session, the Record and Transcript required to be revealed after 13 years in hiding, serves another very educational purpose to remind the public that concepts of more honor and less deception are not altogether new: Since July 30, 1778 U.S. law stated "Resolved that it is the duty of all persons in the service of the United States to give the earliest information to Congress or any other proper authority of any misconduct, frauds or misdemeanors

<sup>9</sup>The litany of uncountable prior indignant and merit-free judicial denials was noticeably issued to conceal and divert from the presence of judicial scienter of unfairness prejudice [even before this shameful ongoing process commenced] with pre- and post-punitive consequences by Applicant's unfair deportation and was intended to discourage discovery of systemic Federal Court trickery, its comingling racket to shield Bar Association "fellas" from due recourse, derail risk of sanctions or disbarment and discovery of the unfairness of judicial process at the Southern District.

committed by any persons in the service of these states, which may come to their knowledge."

**Clear and Convincing Proof of Absence of any valid, recorded OPEN COURT FILING on June 14<sup>th</sup> 2001 against Applicant Blumenberg et al.**

The entire Court Calendar and its Docket Listings for June 14, 2001 leave no doubt, that any shape or form of a United States' titled "Case" vs. Applicant **BLUMENBERG** [et al] was in certified, clear and convincing absentia until the INDICTMENT was finally FILED with ample proof of a falsified **backdater stamp** in the morning of June 19, 2001, around 09:30h and an inaugural Assignment for this new case fell<sup>10</sup> upon Hon. JUDGE KOELT.

**Additional ORDERS TO BE ISSUED**

**Part II A:** Motion for an Order to produce "my hidden" **executed and returned** "arrest warrant" for which the FBI holds proof, was most likely than not invalidly drafted by fraud to cause a false arrest of a few mislabeled "FUGITIVES" and for unlawful capture, chain and transport of this Applicant at 0700am on June 19, 2001 from the Federal District of New Jersey to Manhattan's U.S. Courthouse holding

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<sup>10</sup> District Judge Koeltl, Assignee, has repeatedly sidestepped applications for independent investigatory review under what circumstance the judge's own assignment occurred and, with disturbing impartiality, whether the "method" employed was lawful. This Applicant unsuccessfully alleged that, upon information, hints and belief, that the NYSD's criminal wheel was sabotaged during the June 19<sup>th</sup> "Judge Koeltl"- Assignment, what, if settled, places the government plaintiff under a most unfavorable Klieglite of judge-picking, something not entirely unheard of inside the NYSD Courthouse, as the Second Circuit recently remarked in a Criminal Argument.

cell, where Applicant met John Lee, transported from Connecticut, but never saw a SEALED INDICTMENT OR HIS WARRANT<sup>11</sup>.

**Part II B:** To issue a judicial ORDER to prevent the IRS, a previous case participant, by SEIZE AND DESIST DEMAND from any<sup>12</sup> and all collection efforts for 1995 and 1996, also, because this COURT has possession on file [see Restitution Satisfaction Order Dec 2011 and Soc.Sec.#] of certified documentation by BURDA, that Applicant refunded his employer [BURDA GmbH, Germany] a larger portion of 1995 and 1996 salaries and bonuses which the IRS unlawfully claimed as "earned" and as "undeclared" incomes for 1995 and 1996, but, these moneys were in fact neither earned, nor undeclared. Applicant's IRS income declarations made at tax time 1995/6 under perjury were truthful, crime-free, and even a few dollars higher than factual income, while they were, inadvertently, much more truthful and exact than subsequent government fabrications - reiterated during the "guilt acceptance" colloquia phase false accusation made by the government to appear as aggravating criminal offenses to result in

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<sup>11</sup> A 2006 FOIA release by the DOJ contained 280 pages, but omitted all "ARREST WARRANTS" allegedly issued by Magistrate Dolinger on June 14, 2001 [a falsity] or mandatory judicial authority to assign a random "FUGITIVE" label to three unindicted defendants.

<sup>12</sup> Applicant served upon IRS' Frankfurt Consulate General branch 4-1-2012 a SEIZE and DESIST DEMAND, which caused the Frankfurt "branch" to seize unlawful, disputed collection harassment, however, the IRS' main-branch in Pennsylvania stepped in last month by mailing two invalid "demand" notices under false pretense by international postal mail in furtherance of their intent to defraud Applicant. Thus, because USPS MAIL SORT at JFK-Airport handled the outbound mail transfer to Germany, this Court's exclusive view on "mail fraud items & domestic stop-overs" in another district [NYED] squarely apply also to IRS, based on the serendipitous over-interpretation of 18 USC §1341 [a "troubling view" Appellate Courts & Applicant firmly reject as a self-serving district trespass to congressional will], the IRS must be stopped.

hypothetical tax underpayments<sup>13</sup>. The **26:§7206A "Tax"** charge was clearly bogus, a so-called "fall-back" charge in the event the untruth of the "Conspiracy" and fraud charges would "exonerate" this Applicant, and to further create opportunity for more incarceration time in favor of the BOP.

#### Postscriptum

The fact that the District Court nothing less than ruthlessly "certified" Applicant's 01-571 DOCKET and RECORDS as "truthful and correct" for transmission to the Second Circuit in each and every Appellate Proceeding, and despite awareness by certain sworn officers of the constitutionally violative FALSIFICATIONS caused by such certifications, an avalanche of prejudicial Appellate proceedings and worthless ORDERS resulted, that are now rendered NULL and VOID for VACATUR. Apparently, unchecked prosecutorial criminal justice powers can bleed into the presumptively noble workings the public must expect from the judiciary, and thus the Southern District's pond was poisoned for Congress to consider fresh waters.

As a reminder, George Washington wrote to Attorney General Edmund Randolph on September 28, 1789: "Impressed with a conviction that **the due administration of justice is the firmest pillar of good Government**, I have considered the first arrangement of the Judicial department as essential to the happiness of our Country, and to the stability of its political system; hence the selection of the fittest characters to expound the laws, and dispense justice, has been an invariable object of my anxious concern."

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<sup>13</sup> A German Court ruled last month in 5-SO-186/13 that funds received by Applicant from Christian Viertel since 1993/4/5/6 were genuine [outstanding] loans and were not taxable income.



The undersigned certifies pursuant to 28 USC 1746 that the foregoing is true and correct in all material and legal aspects.

Dated: Aug 5, 2014  
 Am Hempberg 2, D-21224 Rosengarten GERMANY  
 Tel: 011 49 4108 590 534 Fax 535

*Fritz G. Blumenberg*  
 Fritz G. Blumenberg  
 Applicant, pro se

Service cert upon: Preetinder Bharara by DOJ-email (plaintiff)  
 Senate Judiciary Committee Chairman Patrick Leahy

Appendices (5) from FBI Files

U.S. Department of Justice	
<b>Federal Bureau of Investigation</b>	
Bureau File Number <u>CID</u>	
Field Office Criminal Investigative and Administrative Files	
<input type="checkbox"/> Armed and Dangerous <input type="checkbox"/> DO NOT DESTROY <input type="checkbox"/> ELSUR <input type="checkbox"/> Escape Risk <input type="checkbox"/> Financial Privacy Act <input type="checkbox"/> See also Note	<input type="checkbox"/> FOIPA <input type="checkbox"/> NOIO <input type="checkbox"/> OCIS <input type="checkbox"/> Suicidal <input type="checkbox"/> Other
<u>Continued 91-04</u> <u>Blumenberg</u>	

(Rev. 10-01-1999)

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: PRIORITY

Date: 06/15/2001

To: Newark

Attn: Garrett Mountain RA

New Haven

Attn: Bridgeport RA

Miami

Attn: Palm Beach RA

SSA

From: New York

Squad C-12, BDMRA

Contact: SA

Approved By:

Drafted By:

CMO

Case ID #: 196D-NY-279333 (Pending)

Title: **Fritz G Blumenberg** FUGITIVE (B);  
(B);~~XXXXXXXXXXXX~~ - FUGITIVE (B);

BURDA MEDIA INC. - VICTIM;

MF, FBW

OO:NY

b6

b7C

Synopsis: Locate and apprehend

~~XXXXXXXXXXXX~~

Administrative: Reference telephone calls on 06/15/01 from SSA

SSA Principal Relief Supervisor

(Bridgeport RA) and SSA

Enclosures

3) Enclosed for Miami are the following:

- a) Copy of an arrest warrant for ~~XXXXXXXXXXXX~~ issued by the Southern District of New York.
- b) Copy of the indictment charging ~~XXXXXXXXXXXX~~

UPLOADED

WITH/TEXT

WITHOUT/TEXT

BY

DATE

fgbecd8.wpd ✓

Leads  
Set  
6-15-01  
JF

Name INSERTED

To: Newark From: New York  
Re: 196D-NY-279333, 06/15/2001

b6

b3 (FRCP) Rule 6(e)

Details: An investigation was conducted by the New York Office of the FBI regarding possible mail and wire fraud charges against [redacted] in his capacity [redacted] BURDA MEDIA INC. The investigation revealed that [redacted] BURDA MEDIA INC. and its parent company, BURDA HOLDINGS GMBH, out of millions of dollars over a period of years.

On 06/14/2001, a Federal Grand Jury returned an indictment against [redacted] Arrest warrants have been issued by the Southern District of New York charging BLUMENBERG with Title 18 USC Section 371 (Conspiracy), Title 18 USC 1343 (Wire Fraud) and Title 18 USC 1341 (Mail Fraud). [redacted] regularly. [redacted] In order to avoid flight, attempts should be made to arrest all subjects on the same day, 06/19/2001.

The Assistant United States Attorney (AUSA) assigned to this matter is Mark Harris, Southern District of New York (SDNY). Harris can be reached at (212) 637-2486. Name inserted

Page 3

To: Newark From: New York  
Re: 196D-NY-279333, 06/15/2001

LEAD (s):

Set Lead 1:

NEWARK

name inserted

AT TENAFLY, NEW JERSEY

Locate and apprehend BLUMENBERG [redacted] date of birth [redacted] social security account number [redacted] believed that [redacted] A criminal check conducted on [redacted]

Set Lead 2:

NEW HAVEN

b6

b7C

AT GREENWICH, CONNECTICUT

[redacted] social security account number [redacted] residence [redacted] A criminal check [redacted] The check did reveal that a [redacted]

Set Lead 3:

MIAMIAT BOCA RATON, FLORIDA

Page 3 + 4

JUN-18-2001 02:57 FBI BOSTON (100-100000) P.03/13  
 JUN-18-2001 02:57 USDO LPS BOSTON NO.455 P.03/13

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

FRITZ G. BLUMENBERG,  
 JOHN C. LEE, and  
 CHRISTIAN T. VIKATL,

Defendants.

01-5156-AEV

01 Cr.

COUNT ONE  
 Conspiracy

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, Burda Media, Inc. ("Burda Media") was a media company located in New York, New York. Burda Media was a wholly owned subsidiary of Burda Holding, a German firm, the person to whom it is principal place of business and things, to wit, FRITZ G. BLUMENBERG, JOHN C. LEE, and CHRISTIAN T. VIKATL, the defendants, caused Burda Media to send from New York, New York to Burda Holding in Offenburg, Germany, via an international freight company, phony and inflated invoices that BLUMENBERG, LEE, and VIKATL submitted to Burda Media.

(Title 18, United States Code, Sections 1341, 1346 and 3.)

Forfeiture

MARY JO WHITE  
 United States Attorney

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PAGE 15 TOTAL P.13

20 Pages Total Submission